




State of Ohio Environmental Protection Agency

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No. 0000106 

Richard F. Celeste  
Governor

March 26, 1990

Re: USEPA Proposal for an Accelerated  
FS Schedule at Skinner Landfill  
Superfund Site

Mr. Fred Bartman  
U.S. Environmental Protection Agency  
230 S. Dearborn St. (5HS-11)  
Chicago, IL 60604

Dear Mr. Bartman:

This letter is in response to your proposal to complete a draft feasibility study for the Skinner Landfill site prior to the substantial completion of the remedial investigation. I first became aware of this proposal on March 1, 1990 when I received a copy of your "Memo to File" which documented a meeting you attended on February 9, 1990 during which you discussed this approach with the RI/FS contractor. I forwarded copies of your memo to OEPA's Central Office and requested review by our Legal and Technical Support Units. On March 16, 1990, Mark Allen and I met with you in our Southwest District Office to discuss some of the concerns OEPA had regarding completion of a draft FS at this stage of the Skinner Landfill investigation. At that meeting I promised to provide you with OEPA's position regarding your proposal after I had an opportunity to discuss it further with our Central Office.

Although OEPA is indeed frustrated with the way in which the RI/FS at the Skinner site has progressed, the fact remains that data sufficient to support the risk assessment and the detailed screening of remedial alternatives is simply not available at this time. It is OEPA's position that proceeding with the FS on the basis of "safe assumptions" as you have proposed in your memo of February 28, 1990 puts the selection of a protective remedy for the site in jeopardy. We believe that it is also contrary to the NCP, as stated below. Some of the more significant "data gaps" which OEPA feels must be filled prior to proceeding with the risk assessment and the detailed screening of alternatives include the following:

- The magnitude and extent of environmental contamination at the buried lagoon area has not yet been determined. The volume and composition of waste in the lagoon area is presently unknown, and the extent of soil and groundwater contamination in the vicinity of the lagoon is, at best, poorly understood. Your contractor has stated that preliminary results from soil borings conducted as part of the Phase II RI indicate that the extent of soil

contamination underlying the buried lagoon is considerably greater than the Phase I data previously indicated. The contractor also stated that the composition of the contaminants within the lagoon area would have to be assumed if they were to proceed with the detailed screening of remedial alternatives in the manner which you have proposed.

- There is currently no information available regarding the direction of ground water flow in the bedrock aquifer beneath the lagoon, and the extent of contamination of this aquifer is unknown. This aquifer serves as the source of drinking water for private wells in the immediate vicinity of the site.

- The western portion of the site (west of the ground water divide) has not been adequately characterized. Previous sampling around the surface water bodies in this area indicate the soils around these ponds contain volatile, semi-volatile, and pesticide/PCB compounds. However, since the Phase I RI was completed, the configuration of these ponds has been altered by Mr. Skinner. To complete the draft FS, your contractor will have to assume that the contamination found in this area has not impacted the ground water. However, there is no information available to support this assumption. If, during the Phase II RI, the ground water is found to be contaminated, the draft FS would require substantial revision.

- Your Memo mentioned that the contractor would require specific ARARs from the State of Ohio in order to conduct the detailed analysis of alternatives. As we explained to you during the March 16 meeting, OEPA cannot be responsive to this request until we have some idea of the contaminants and concentrations that might be discharged to a sewer or receiving stream. For example, if groundwater pump and treatment was selected as a possible remedial action, it is unknown at this time what volumes, chemicals, and concentrations may be discharged either to a stream or to a POTW. Without this information, discharge limits to either the stream or POTW cannot be determined. In addition, possible treatment technologies for accomplishing these discharge limits cannot be evaluated. In fact, since the chemical nature of the discharge is unknown, it cannot be determined at this time whether the contaminated groundwater could even be discharged to either a stream or POTW.

- If your proposal were to be implemented, a risk assessment would not be completed before the FS is completed. The results ~~of the risk assessment can~~ significantly affect the feasibility of various remedial actions selected in at least two ways.

First, the results of the risk assessment would have to be known in order to evaluate the protectiveness of various remedial actions during the detailed analysis of alternatives. Since

previous investigations have identified many different contaminants in several exposure pathways, and since adequate data is not yet available for several of those exposure pathways, chemical specific ARARs would have to be assumed in order to complete the FS. This may well lead to the selection of a remedy which is later found to be insufficiently protective of human health and the environment. Therefore, health-based levels generated by the risk assessment may be needed before the protectiveness of various remedial actions can be evaluated.

Secondly, the risk assessment could affect the FS if significant new exposure routes that require remediation are revealed. One such route yet to be evaluated is the air exposure route. No data to date have been collected on releases to air, but air monitoring and possibly dispersion modeling will be done as part of the Phase II RI. Another route which has not been considered is the previously undocumented seepage along Skinner Creek. This seepage will also be investigated during the Phase II RI. Until these pathways are investigated, remedial actions to designed to prevent exposure via these pathways cannot be evaluated.

In addition to the problems associated with the data gaps listed above (each of which will be addressed in the Phase II RI), OEPA questions whether money and time will actually be saved if, as seems entirely possible, a significant revision of the FS will be necessary once the RI is has been completed. The same technical reasons for not completing a FS at the end of the Phase I RI remain, and for this reason, a significant redraft of any FS done prior to the availability of the Phase II RI data seems inevitable.

In addition to technical issues discussed above, OEPA has several legal concerns regarding your proposal. Completing the FS before a risk assessment has been finalized is not consistent with the NCP whether the FS is released to the public or not. As the PRPs have been quite uncooperative in the past and there is every indication that their lack of cooperation will continue, it would not be advisable to provide them with any potential legal basis for interfering with the selection or implementation of the remedy for this site. Cost recovery could also prove to be a problem if PRPs are able to demonstrate that the FS work was conducted in a manner inconsistent with the NCP. Another potential problem may develop if the procedure you have proposed for the Skinner site is adopted by PRPs conducting RI/FS work at other Ohio superfund sites. If other PRPs want to finalize the FS before completing RI or the risk assessment, how are we to argue that their actions are unacceptable when we (as regulators) have not only allowed the same thing to occur at other sites, but have promoted it as well? Although the new NCP may allow for a

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streamlined RI/FS process under some circumstances, this site does not qualify for this type of streamlining.

In conclusion, while OEPA supports any reasonable effort to accelerate the admittedly lethargic Superfund process, we cannot and do not endorse the approach outlined in your February 28 "Memo to File" for the reasons we have identified above. Please call me if you wish to discuss this matter further.

Sincerely,

*Bonnie D. Bowker*

Bonnie D. Bowker  
OEPA Project Coordinator for Skinner Landfill

cc: Brian Nickel, DGW/SWDO  
Jenny Tiell, DERR/CO  
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